

**§ 70.300 Respiratory equipment; respirable dust.**

Respiratory equipment approved by NIOSH under 42 CFR part 84 shall be made available to all persons whenever exposed to concentrations of respirable dust in excess of the levels required to be maintained under this part. Use of respirators shall not be substituted for environmental control measures in the active workings. Each operator shall maintain a supply of respiratory equipment adequate to deal with occurrences of concentrations of respirable dust in the mine atmosphere in excess of the levels required to be maintained under this part.

[60 FR 30401, June 8, 1995]

**§ 70.305 Respiratory equipment; gas, dusts, fumes, or mists.**

Respiratory equipment approved by NIOSH under 42 CFR part 84 shall be provided to persons exposed for short periods to inhalation hazards from gas, dusts, fumes, or mist. When the exposure is for prolonged periods, other measures to protect such persons or to reduce the hazard shall be taken.

[60 FR 30401, June 8, 1995]

**Subpart E—Dust From Drilling Rock  
[Reserved]**

**Subparts F–S [Reserved]**

**SUBPART T—DIESEL EXHAUST GAS  
MONITORING**

**§ 70.1900 Exhaust Gas Monitoring.**

(a) During on-shift examinations required by § 75.362, a certified person as defined by § 75.100 of this chapter and designated by the operator as trained or experienced in the appropriate sampling procedures, shall determine the concentration of carbon monoxide (CO) and nitrogen dioxide (NO<sub>2</sub>):

(1) In the return of each working section where diesel equipment is used, at a location which represents the contribution of all diesel equipment on such section;

(2) In the area of the section loading point if diesel haulage equipment is operated on the working section;

(3) At a point inby the last piece of diesel equipment on the longwall or shortwall face when mining equipment is being installed or removed; and

(4) In any other area designated by the district manager as specified in the mine operator's approved ventilation plan where diesel equipment is operated in a manner which can result in significant concentrations of diesel exhaust.

(b) Samples of CO and NO<sub>2</sub> shall be—

(1) Collected in a manner that makes the results available immediately to the person collecting the samples;

(2) Collected and analyzed by appropriate instrumentation which has been maintained and calibrated in accordance with the manufacturer's recommendations; and

(3) Collected during periods that are representative of conditions during normal operations.

(c) Except as provided in § 75.325(j) of this chapter, when sampling results indicate a concentration of CO and/or NO<sub>2</sub> exceeding an action level of 50 percent of the threshold limit values (TLV<sup>®</sup>) adopted by the American Conference of Governmental Industrial Hygienists, the mine operator shall immediately take appropriate corrective action to reduce the concentrations of CO and/or NO<sub>2</sub> to below the applicable action level. The publication, "Threshold Limit Values for Substance in Workroom Air" (1972) is incorporated by reference and may be inspected at MSHA's Office of Standards, Regulations, and Variances, 1100 Wilson Blvd., Room 2352, Arlington, Virginia 22209–3939; at any MSHA Coal Mine Safety and Health district office; or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. In addition, copies of the document may be purchased from American Conference of Governmental Industrial Hygienists, 330 Kemper Meadow Drive, Attn: Customer Service, Cincinnati, OH 45240; <http://www.acgih.org>.

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(d) A record shall be made when sampling results exceed the action level for the applicable TLV® for CO and/or NO<sub>2</sub>. The record shall be made as part of and in the same manner as the records for hazards required by §75.363 of this chapter and include the following:

(1) Location where each sample was collected;

(2) Substance sampled and the measured concentration; and

(3) Corrective action taken to reduce the concentration of CO and/or NO<sub>2</sub> to or below the applicable action level.

(e) As of November 25, 1997 exhaust gas monitoring shall be conducted in accordance with the requirements of this section.

[61 FR 55526, Oct. 25, 1996, as amended at 67 FR 38385, June 4, 2002; 71 FR 16667, Apr. 3, 2006]

**PART 71—MANDATORY HEALTH STANDARDS—SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES**

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AUTHORITY: 30 U.S.C. 811, 951, and 957.

SOURCE: 37 FR 6368, Mar. 28, 1972, unless otherwise noted.

**Subpart A—General**

AUTHORITY: Secs. 101 and 103(h), Federal Mine Safety and Health Act of 1977, Pub. L. 95–164, 91 Stat. 1291 and 1299 (30 U.S.C. 811 and 813(h)).

SOURCE: 45 FR 80756, Dec. 5, 1980, unless otherwise noted.

**§ 71.1 Scope.**

This part 71 sets forth mandatory health standards for each surface coal mine and for the surface work areas of each underground coal mine subject to